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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,174	09/24/2003	Takahiro Hanamoto	242436US3X	4039

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EXAMINER

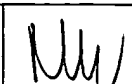
BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/668,174	Applicant(s) HANAMOTO, TAKAHIRO	
	Examiner Thomas J. Brahan	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pech et al in view of Lotte. Pech et al shows a traveling working machine comprising:

a lower traveling body (16);

an upper rotating body (14) mounted rotatably on the lower traveling body, the upper rotating body having a rotating frame (21) and winches;

a boom (22) mounted on said upper rotating body so as to be capable of rising and lowering; and

a pair of right and left frames which support the boom formed in the rotating frame to pivotally support both right and left sides of a rear end portion of the boom, axial portions of the winches, including maximum-diameter portions of the winches, being mounted inside rear portions of the frames which support the boom, the frames which support the boom having recessed cut-outs along smaller-diameter portions of the winches than the maximum-diameter portions, wherein the rear portions of said frames which support the boom each comprise a fixed frame and winch openings are formed at the recessed cut-outs of the fixed frame.

Pech et al shows the recesses for mounting the winches to the frame (21), but varies from the claims by not showing detachable frame portions as the means for mounting the winches within these recesses. Lotte shows a similar crane winch mounting arrangements (4^A) with detachable frames (caps; see page 3, lines 1-5) mating with recesses for holding the winches in place. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the winch mountings of Pech et al by using caps as the means to mount the winches within the frame recesses, as to positively lock the winches in place, as taught by Lotte. The openings of both the fixed and the detachable frames (caps) are generally circular in shape and formed along the outer peripheries of the smaller-diameter portions of the winches, as recited in claim 3. Re claim 4, it would further have been obvious to modify the crane of Pech et al by arranging the winches vertically, as to reduce the length of the upper works, as also taught by Lotte. The winches are mutually disposed longitudinally at the rear portions of the boom frames, as recited in claim 5. Pech et al has counterweight mounting portions at the rear portions of the boom support frames, as recited in claim 6.

3. Claims 1 and 3-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harnischfegger in view of Lotte or Elgh. Harnischfegger shows a traveling working machine comprising a lower traveling body (1),

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an upper rotating body (2) mounted rotatably on the lower traveling body, the upper rotating body having a rotating frame with a pair of right and left frames (36 and 37) which support the boom, the frames having recessed cut-outs (at 54) along smaller-diameter portions of the winches than maximum-diameter portions. Harnischfegger varies from claim 1 by not showing detachable frame portions as the means for mounting the winches within these recesses. Lotte shows a similar crane winch mounting arrangements (4^A) with detachable frames (caps; see page 3, lines 1-5) mating with the recesses for holding the winches in place. Eligh shows a similar mounting arrangement in figure 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the winch mountings of Harnischfegger by using caps as the means to mount the winches in the frame recesses, as to positively lock the winches in place, as taught by Lotte or as by Eligh. The openings of both the fixed and the detachable frames (caps) are generally circular in shape and formed along the outer peripheries of the smaller-diameter portions of the winches, as recited in claim 3. The winches are mutually disposed vertically and longitudinally at the rear portions of the boom frames, as recited in claims 4 and 5. Harnischfegger has a motor (5) serving as a counterweight with mounting portions at the rear portions of the boom support frames, as recited in claim 6.

4. Graves and the two Huston references are cited as showing cranes with related frame structures.

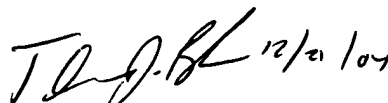
5. Applicant's remarks in the amendment filed October 6, 2004 have been considered, but are deemed moot in view of the above new rejections. The amendment necessitated the new grounds of rejection, accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (703) 308-2568. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for all patent applications is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas J. Brahan
Primary Examiner
Art Unit 3652